

Minutes of Meeting of the
CENTERVILLE PLANNING COMMISSION
October 26, 1976

The meeting was called to order at 7:30 p.m. by Mr. Tate.

Attendance: Mr. James P. Hickey, Mr. Michael V. Thill, Mr. Elmer C. Tate, Mr. Dennis Donnellan, Mr. George J. Schottmiller, Mr. Roland McSherry, Mr. Siler, absent. Also present: Mr. Garth Reynolds, City Planner; Mr. Robert Farquhar, City Attorney; Mr. Karl M. Schab, City Engineer.

The minutes of the September 28, 1976 Planning Commission meeting were corrected by Mr. Schottmiller in Item 4, after the word "propane" delete present wording and insert "being heavier than air will remain in the ground in cracks and crevices

Mr. Thill moved to accept the minutes of the September 28, 1976 meeting as corrected. Seconded by Mr. McSherry. Approved unanimously.

Mr. Donnellan moved to accept the minutes of the October 12, 1976 work session as written. Seconded by Mr. McSherry. Motion approved. Mr. Thill and Mr. Hickey abstained.

The minutes of the October 19, 1976 work session were corrected in the third paragraph, the word "council" was changed to read "City Attorney". Mr. Thill moved to accept the minutes of the October 19, 1976 work session as corrected. Seconded by Mr. Schottmiller. Motion approved.

The minutes of the October 19, 1976 Special Meeting were corrected to show in the second paragraph "Dr. Woods". Mr. Thill moved to accept the minutes of the October 19, 1976 special meeting as corrected. Seconded by Mr. Schottmiller, motion approved.

PUBLIC HEARINGS SET

The following items were set to be heard on November 30, 1976 at 7:30 p.m., beginning with Item 1 and running consecutively:

1. A variance of the setback requirement by Rick Price on property located at 7629 Clyo Road.
2. A variance of the setback requirement by Wilson Sign Co., Inc. on property located at 80 Loop Road.
3. A variance for B-1 and B-2 uses in an O-S and R-4 District by Ned and Joseph Haverstick on property located on the northeast corner of Clyo and Centerville - Station Roads.

COMMUNICATIONS - None.

PUBLIC HEARINGS

1. Donwood Construction Co., Inc.

Mr. Reynolds showed drawing of Lot #1 of Donwood Heights, Section 1 which is located partially in Kettering with the southern portion in Centerville. The lot is located on the southeast corner of East Whipp Road and Millshire Drive. An office building will be located in the Kettering section with parking proposed for the Centerville section, which is presently zoned R-3. Fence type screening would be required on the southern lot line.

Mr. Schab stated he has reviewed the drainage and a tile should be installed at the southwest corner of the property to carry water from the parking lot to the sewer system at the corner of Millshire and Heathshire Drives.

Speakers in favor: None

Speakers in opposition: Mr. David C. Richards, 960 Heathshire Drive, stated he was notified too late of the proposed variance to have time to study the matter and would like to have time to do so. He stated he is concerned about the traffic that would be generated on a residential street by having a business located there and would like to see how the parking will be located.

Speaker for the Developer: Mr. Don Nelson stated the new office would be almost exactly like the layout on the other corner.

Mr. Tate stated the Commission would delay action on the variance request until the neighbors had an opportunity to review the plans. Action will be taken at the November 2, 1976 Special Meeting.

Mr. Hickey moved to table the Donwood Construction Co. variance request until the November 2, 1976 meeting which will commence at 7:30 p.m. Seconded by Mr. Thill. Approved unanimously.

2. Ronald D. Honeycutt

Mr. Reynolds showed drawing of a proposed addition to a primary structure located at 121 Cushwa Drive in Washington Park subdivision. The house involved is the second from the corner, is a pie-shaped lot, and the applicant is requesting a variance on a front yard requirement to add garage. The minimum limit of the setback is 25' and the variance requested would be approximately one foot, depending on where a measurement is taken.

Applicant: Mr. Ron Honeycutt stated he felt the addition would increase the value of the property and would not require a change in the present curb cut.

Speakers in favor: Mr. Adrian Rose, 104 Cushwa Drive, stated he made a similar addition several years ago and it has increased the value of his property and would be in favor of this variance request.

Mr. Thill moved to approve the variance request of Ronald D. Honeycutt. Seconded by Mr. Donnellan. Approved unanimously.

3. Ordinance 15-61, Section 25, Filing Fees, The Zoning Ordinance

Mr. Reynolds presented the following recommendations concerning filing fees in view of the amount of time required by the city staff to process each category and the increase of costs since 1971 when the fees were last reviewed.

a. Application for a Zoning Certificate would cost \$10.00 rather than the present \$5.00, for the first \$1,000 of cost for the proposed improvement, plus \$1.25, rather than \$1.00, for each additional \$1,000 of cost of the proposed development.

b. Application for Certificate of Occupancy would be \$15.00 rather than \$10.00.

c. A petition for an appeal by the applicant would cost \$40.00 rather than \$20.00

d. Application for conditional use would be \$150.00 rather than \$50.00.

e. Each petition for an amendment, supplement or change to the ordinance would cost \$225.00 for each zoning district change requested, as opposed to the present \$75.00 charge.

Mr. Reynolds stated these charges would help the city break even but would not be money makers and the new charges are comparable to other cities' fees or slightly higher. He requested action on the ordinance be deferred until he could make some minor changes in the wording.

Speakers in favor: None.

Speakers in opposition: Mr. Robert Archdeacon, Woolpert Engineering, stated increases in the range of 50% to 250% far exceeds the increase in cost of living over the past six years and the new fees are higher than other communities in the area. He feels the conditional use and zoning change costs are extremely high. He suggested basing the charges on a per acre basis.

Mr. Reynolds stated just to run the legal description in the newspapers about a zoning change can cost as much as \$125 while the applicant pays only \$75.

Mr. Archdeacon suggested the applicant be charged directly for the advertising fees.

Mr. Paul Mooney, Woodman Lanes, Developer, stated that the developer spends a lot of money trying to meet the good planning guidelines set by the city and usually pays engineers to make sure they comply then they have the extra expense of paying the city's planners. The taxes the developers pay on the land should cover some of that cost. By making the costs of developing go even higher, it is difficult to offer a moderately priced home to the average buyer.

Comments by Commission: Mr. Tate asked if fees would be the same for PUD's. Mr. Reynolds stated they would be treated as conditional use and would not have zoning changes to make.

Mr. McSherry stated he did not feel the charges were excessive with the amount of time expended by the city staff, and that the ordinary citizen should not pay for the services provided by the city to developers.

Mr. Hickey feels certain areas are very high, especially the application for a variance.

Mr. McSherry stated he would like to see the actual costs to the city for processing the various categories and also what other communities are charging.

Mr. Thill moved to table action on the Ordinance 15-61, Section 25, until November 2, 1976 when the Commission could review the city's actual expenditures versus the money collected. Seconded by Mr. McSherry. Approved unanimously.

4. Ordinance 10-1958, Fees charged under Subdivision Regulations

Mr. Reynolds stated the following changes were proposed due to increased staff time to process applications, increased costs of supplies and labor:

Section 1 C: Items 1 thru 4 were not changed. Item 5 for Preliminary Plan is proposed to be \$75.00 per plat plus \$6.00 per acre as opposed to the present charge of \$20.00 per plat and \$3.00 per acre.

Item 6 would change the Record Plan review charge from \$20.00 to \$75.00 plus \$6.00 per acre.

Two items are proposed to be added (a) Amendment of an Approved Plan would cost \$50.00 plus \$3.00 per acre, and (b) A request for a deed to be stamped "No Plat Required" would cost \$10.00.

Speakers in favor: None.

Speakers in Opposition: Mr. John Lefforge, Southwestern Reserve Corp., stated there should not be a fee for an amended approved plan if the city requested the change.

Mr. Farquhar stated when the city asks for a change there is no charge to the applicant.

Mr. Lefforge stated he feels an increase of 100% is excessive but would understand some increases within reason.

Comments from Commission: Mr. Tate stated he would like to see how long it has been since the last fee increase and if the new fees are in line with other communities.

Mr. Thill moved to table action on Ordinance 10-1958 until November 2, 1976 when the Commission could review additional information. Seconded by Mr. McSherry. Approved unanimously.

UNFINISHED BUSINESS

1. Woodman Lanes and David L. Meeker - Rezoning

Mr. Reynolds reviewed the applicants' request for zoning changes from I-1 and R-3 to B-2, R-3 and R-4 for property located on the east side of Bigger Road, approximately 160 feet south of the intersection of Bigger Road and Thomas Paine Parkway.

Mr. Reynolds showed the various areas of zoning, stated the master plan does not indicate B-2 would be suitable in the area requested, recommended changing the pie-shaped area north of Clio from industrial to R-4 as requested because the size of the parcel and shape would not be conducive to industrial facilities, and also stated the other areas of zoning would satisfy density requirements and the overall plan as proposed.

Mr. Reynolds stated at the public hearing the application had been tabled until a workshop session could be scheduled to review the various zoning changes which has now been done and the request for rezoning is ready for action.

Mr. Thill moved to remove the Woodman Lanes rezoning request from table to bring before the Zoning Commission. Seconded by Mr. Schottmiller. Approved unanimously.

Mr. Robert Archdeacon, speaking for the developer, pointed out the only objection presented by the Commission was to B-2 zoning along Bigger Road. He stated he felt since Clio Road and Bigger Road will be 4-lane boulevards that it would not be logical to put residential at the intersection of the two and it would be natural to have small businesses there. He did not feel it would be satisfactory to have industrial there either as it would be right at the entry to the residential area. Also if left industrial it would be spot zoning since there is business to the north.

Mr. Reynolds stated Bigger Road will be a residential collector for traffic and if business is added the use of Bigger would change. He suggested the developer might consider R-4 at the intersection to maintain the residential look.

Mr. Paul Mooney, developer, stated when zoned industrial the Commission could not control the esthetics to preserve the neighborhood and a heavy industrial plant at the entry to the residential section could ruin the entire development.

Mr. Reynolds suggested the Commission vote on each rezoning request separately. The following six motions relate to the one application.

Mr. McSherry moved to approve the rezoning request of Woodman Lanes for a parcel of land 32.5 acres currently zoned Washington Township R-3 to Centerville R-2. Seconded by Mr. Thill. Approved unanimously.

Mr. Thill moved to approve Woodman Lanes rezoning request for 42.5 acres of land presently zoned Washington Township R-3 to Centerville R-3. Seconded by Mr. Schottmiller. Approved unanimously.

Mr. McSherry moved to approve Woodman Lanes rezoning request for 6.4 acres of land located on the south side of Clyo Road from Washington Township R-3 to Centerville R-4. Seconded by Mr. Donnellan. Approved unanimously.

Mr. Thill moved to approve a rezoning request by Woodman Lanes for 2.7 acres of land located north of Clyo Road from Centerville light industrial to Centerville R-4. Seconded by Mr. Donnellan. Approved unanimously.

Mr. Schottmiller moved to approve a rezoning request by Woodman Lanes for approximately 4.7 acres of land located south of Clyo Road, along Bigger Road, from Washington Township R-3 to Centerville B-2. Seconded by Mr. McSherry. No votes in favor. Opposed unanimously.

Mr. Thill moved to approve a rezoning request by Woodman Lanes for 4.2 acres of land from Centerville light industrial to Centerville B-2. Seconded by Mr. McSherry. One in favor. Five opposed. Motion failed.

Mr. Tate reminded the developer that the motions denied are subject to appeal. The City must be notified within five days of an intent to appeal and the appeal must be filed within 10 days.

2. Olympic Industrial Park - Preliminary Plan

Mr. Reynolds showed drawings of the land located east of Bigger Road and north of Thomas Paine Parkway. The first five lots have already been approved and now the applicant is asking for the approval of the Commission on the next six lots.

Mr. Robert Archdeacon, representing the developer, reviewed the delays on this project have been caused because the adjacent landowners had to agree to the future alignment and continuation of the streets. This has now been worked out and they are ready to proceed.

Mr. Hickey moved to accept the preliminary plan of Olympic Industrial Park as presented. Seconded by Mr. Donnellan. Approved unanimously.

3. Hawthorne Hills, Section 2 - Record Plan

Item withdrawn from agenda.

4. Black Oak Forest, Section 2 - Record Plan

Mr. Reynolds reviewed this item had been tabled until HUD had made a decision concerning the flood plain. He has now been advised HUD has approved. Mr. Schab read a letter received from Mr. Jeff Cochran of the Flood Insurance Administration indicating approval.

Mr. Reynolds stated other requests made by the City have been complied with by the developer: have added a cross-over approximately one-half way between Fox Chase Court and end of street for environmental channel; have made one-way streets on either side of environmental channel 20' wide with barrier type curbs on the channel side and roll type curbs on the outside edge of street; have made radius of cul-de-sacs 45'; have agreed to grade the park area for 6-10 cars, and have agreed to put in a sidewalk from Ambridge Drive to the park area.

Mr. Tate stated since the Park Board has come back and requested other items than what the Planning Commission had agreed on with the developer, he felt it should be left up to Council to make the final decision of what to do.

Mr. Lefforge, developer, stated he had an agreement with the Planning Commission to rough grade some of the park area, put in a sidewalk to the park, and place rip rap in the stream where it enters the park, but that was all. He said he gave a deed in trust based on this agreement and did not feel the Commission should go back on this agreement.

Mr. Farquhar stated since the Planning Commission had an agreement with the developer they should not go back on their agreement.

Mr. Farquhar said approval of the record plan should be subject to assurance of grading in the park and presentation of a descriptive deed in exchange for the metes and bounds deed presently held.

Mr. Schab stated the Park Board still wants the 60 x 200' park area graded even though it is not blacktopped, for recreational facilities, however, he was not sure of the exact area to be graded.

Mr. Lefforge stated the drawings leave off sidewalks on both sides of the street and requested the City staff look at the site and then make a recommendation to Council. To put in sidewalks would mean removing several trees.

Mr. Hickey moved the record plan for Black Oak Forest, Section 2, be approved subject to: (1) grading in the park area being satisfactory to the City Engineer (Mr. Schab) and within the Planning Commission's recommendations; (2) bonds being set for Cloyo Road and the plat by Council; (3) the subdivision agreement; (4) the exchange of a metes and bounds deed for a descriptive deed of the park land; and (5) staff's recommendations on sidewalk requirements for the plat. Seconded by Mr. McSherry. Approved unanimously.

Mr. Farquhar stated the intent of the Commission is to honor its agreement with the developer concerning the grading of the park, but the Commission is not sure of the definition of the agreement. Mr. Lefforge stated the developer would make the area look right.

5. APD #80-71, Section 31 and #15-61, Section 32, and Ordinance 28-73.

Discussion deferred to November 2, 1976 workshop--items not completed yet.

NEW BUSINESS

1. Washington Creek - Preliminary Plan

Mr. Robert Archdeacon, representing the developer, stated he had made contact with the school board and park board to set up a joint meeting to discuss the street location, and requested this item be tabled for the present time.

Mr. Thill moved to table discussion of the Washington Creek Preliminary Plan. Seconded by Mr. McSherry. Approved unanimously.

2. Hawthorne Hills - Preliminary Plan

Item withdrawn.

3. Pelbrook Farm, Section 5 - Record Plan

Mr. Reynolds showed drawings of this 11-acre plat consisting of 18 lots located west of Wilmington Pike and south of Route 725. It lies on the county line and the streets continue into the adjacent county; it conforms to the preliminary plan and has sidewalks down one side of the street, which is in conformance with the rest of the area.

Mr. Robert Archdeacon, representing the developer, stated the project was started some time ago and only one sidewalk was used then. This new section has been kept to conform to the old. The development in Greene County adjacent to Pelbrook Farm has no sidewalks.

Mr. Thill moved to accept the record plan of Pelbrook Farm, Section 5, as presented and subject to the subdivision agreement and to a performance bond being set by Council. The Planning Commission recommends to Centerville City Council that the requirement of sidewalks on both sides of the street be waived and that sidewalks be continued on one side of the street as established in adjoining projects. Seconded by Mr. Hickey. Approved unanimously.

4. Black Oak Estates Five, Section 4 - Record Plan

Mr. Reynolds presented drawings of 31.5 acres located east of Bigger Road and north of Centerville-Station Road which consists of 51 lots and currently zoned R-1. The property to the south is under the Washington Township Park Board and the Board may acquire lot #491 of Black Oak Estates to give access to the park. If the record plan is approved there will be a front yard setback variance requested by the developer. Sidewalks are on one side of the street only in conformance with the rest of the area.

Mr. Schab stated the construction drawings have been gone over and he recommends acceptance by the Planning Commission. He stated the sidewalks are on one side only in the cul-de-sacs also. Lots #494 and #495 are flag lots, which are not allowed.

Discussion among the Commissioners and developer regarding the legality of flag lots. Mr. Farquhar stated the preliminary plan was approved approximately five years ago when flag lots were allowed.

Mr. Hickey stated the record plan was not in conformance to the preliminary plan, and Mr. Archdeacon, representing the developer, stated the preliminary plan was presented under the residential development plan which allows modifications of lot sizes.

Mr. Hickey moved to table Black Oak Estates Five, Section 4, Record Plan request until November 2, 1976. Seconded by Mr. Schottmiller. Motion carried. Mr. McSherry did not vote.

Mr. Tate announced the next regular meeting of the Planning Commission will be Tuesday, November 30, 1976 at 7:30 p.m.

Mr. Schottmiller moved to adjourn the meeting. Seconded by Mr. Hickey.
Approved unanimously.

Chris Tate